

201204318

Matthew Buonaspina

Traffic enforcement officers flagged PO Matthew Buonaspina and his partner when a man in a vehicle that they stated had a forged parking placard was trying to pull away before they could summons him. PO Buonaspina and his partner stopped the man, frisked him, and searched his car. The parking placard was not forged but was expired.

PO Buonaspina then searched the driver and passenger area of the car, including searching a gym bag. At his CCRB interview, he stated he had seen a knife on the floor of the passenger side, giving him justification to search the car. His partner saw no knife, and neither did the driver or an independent civilian witness. And no knife was recovered.

The officers called the man's mother, who was the owner of the placard, who confirmed that she was a state employee.

The CCRB found the vehicle search was improper and that PO Buonaspina had lied about the existence of a knife in order to justify the search.

PO Buonaspina was tried at the administrative prosecution unit, found guilty, and given a formal reprimand.

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## Interview Details

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On August 7, 2012, PO Traci McLaughlin was interviewed at the Civilian Complaint Review Board. The interview began at 9:03 a.m. and concluded at 9:16 a.m.

PO McLaughlin is a [REDACTED]-year-old white female with blond hair and green eyes. She is 5'7" tall and weighs 145 pounds.

On March 27, 2012, PO McLaughlin worked from 12:00 p.m. to 8:35 p.m. She was dressed in uniform and assigned to conditions in the 13<sup>th</sup> Precinct with PO Matthew Buonaspina in marked van, # [REDACTED]

### Memo Book

At 6:00 p.m., approached by traffic at [REDACTED] for male black with fake plaque – plaque expired, not fake. Male black, 6'4" tall let go with summons from traffic.

### CCRB Statement

On March 27, 2012 at approximately 6:00 p.m., PO Buonaspina and PO McLaughlin were driving on [REDACTED] in the vicinity of [REDACTED] in Manhattan when an unidentified traffic officer knocked on their window and stated, "He's trying to get away. He's trying to get away."

The officers pulled over and observed a vehicle, operated by [REDACTED] parked at an angle as though [REDACTED] had tried to pull out into traffic. [REDACTED] was out of his vehicle and standing on the sidewalk. He told the officers that he parked at the location so he could go inside and use the bathroom.

The traffic agents informed the officers that [REDACTED] had a fake parking placard.

[REDACTED] stood with PO McLaughlin while PO Buonaspina spoke to the traffic agents. [REDACTED] stated his unidentified father was on the job and produced his father's business card. The business card did not identify [REDACTED] father as an NYPD officer. PO McLaughlin attempted to contact [REDACTED] father via telephone, but there was no answer. [REDACTED] also had a friend, identified as [REDACTED] at the location, but PO McLaughlin did not interact with him at all.

When PO Buonaspina approached the vehicle to examine the parking placard, [REDACTED] walked up behind him. PO Buonaspina told [REDACTED] to go back to the sidewalk while he clears up the issue. [REDACTED] went back to the sidewalk, but then approached PO Buonaspina again. This happened at least three times. PO Buonaspina finally told [REDACTED] that if he approaches again he would place him in handcuffs because he is making him fear for his safety. [REDACTED] returned to the sidewalk, but then soon after again approached PO Buonaspina from behind. Other than approaching PO Buonaspina, there was nothing about [REDACTED] behavior that was threatening. PO McLaughlin did not recall what words, if any, were exchanged between PO Buonaspina and [REDACTED]. At this point, PO Buonaspina placed [REDACTED] in handcuffs. PO McLaughlin escorted [REDACTED] over to the police van.

PO McLaughlin did not see where in the vehicle the parking placard was, nor did she see PO Buonaspina handle the placard. PO McLaughlin did not see PO Buonaspina enter or search [REDACTED] vehicle. When asked what PO McLaughlin was doing when [REDACTED] walked up behind him, she stated she did not know. When asked to clarify, she stated PO Buonaspina was standing near the vehicle, but she did not see what he was doing. PO McLaughlin did not know if anything was recovered from [REDACTED] vehicle.

PO McLaughlin described [REDACTED] demeanor as being "on edge." PO McLaughlin did not hear [REDACTED] object to PO Buonaspina searching his vehicle.

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## Interview Details

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██████ told PO McLaughlin that the placard and vehicle belonged to his mother, identified as ██████. PO McLaughlin allowed ██████ to dial ██████. PO Buonaspina then spoke with her on the phone. ██████ informed PO Buonaspina that the placard and vehicle belonged to her. ██████ was released from the handcuffs and issued a parking violation summons by the traffic agents. ██████ provided the officers with his registration, which he retrieved himself from the glove compartment. PO McLaughlin did not remember and further interaction or exchanges between PO Buonaspina and ██████.

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## Interview Details

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On July 18, 2012, PO Matthew Buonaspina was interviewed at the Civilian Complaint Review Board. The interview began at 9:17 a.m. and concluded at 9:35 a.m.

PO Buonaspina is a [REDACTED]-year-old white male with brown hair and blue eyes. He is 5'6" tall and weighs 190 pounds.

On March 27, 2012, PO Buonaspina worked from 12:00 p.m. to 8:35 p.m. He was dressed in uniform and assigned to patrol in sector B/D in the 13<sup>th</sup> Precinct with PO Traci McLaughlin in a marked van.

### Memo Book

PO Buonaspina recorded his memo book entries for this incident on his fly sheet. At 6:01 p.m., one male stopped. [REDACTED] at [REDACTED]. Traffic agent flagged for forged instrument. Not forged, property belonged to parents. Released. Traffic enforcement ticketed.

### CCRB Statement

On March 27, 2012 at approximately 6:00 p.m., PO Buonaspina was driving northbound on [REDACTED] in Manhattan, in the vicinity of [REDACTED], when a male traffic agent, running southbound, flagged down the police van.

The traffic agent said to the officers, "He's trying to get away. He's trying to get away." PO Buonaspina asked the agent who was trying to get away. The traffic agent stated they had a man blocked in with a fake placard. PO Buonaspina, who realized at this time the situation was not a dire emergency, pulled over at the location and exited his vehicle, with PO McLaughlin, to investigate. PO Buonaspina explained that having a forged parking placard is a felony.

PO Buonaspina observed that the two unidentified traffic agents at the location had blocked in a vehicle, operated by [REDACTED] using their tow truck. It appeared as though [REDACTED] was trying to pull out of the parking spot and into traffic. PO Buonaspina approached the driver's side and asked [REDACTED] to get out of the vehicle because he did not want him to pull away or cause an accident.

PO Buonaspina asked the traffic officer where the placard was and he was informed it was in the visor. PO Buonaspina approached the driver's side door, which was already open, when [REDACTED] walked up behind him. PO Buonaspina ordered him to wait at the back of the vehicle. This scenario played out approximately five to six times, where [REDACTED] kept approaching PO Buonaspina from behind. PO Buonaspina told [REDACTED] "I don't know your intentions and I do not know why you keep coming up behind me. If you do it one more time, I'm going to have to place you in handcuffs for my safety."

[REDACTED] said okay and that he was sorry, but when PO Buonaspina turned to go in the doorway, [REDACTED] again approached him. PO Buonaspina or PO McLaughlin then placed him in handcuffs. PO McLaughlin brought [REDACTED] to the police van and sat him on the middle bench with doors remaining open. PO Buonaspina stated that he was brought to the van because [REDACTED] had been whispering with friends, one of whom was identified as [REDACTED] on the sidewalk and the officers wanted to isolate him for safety purposes. PO Buonaspina never told [REDACTED] that he was under arrest and never accused him of being a criminal.

PO Buonaspina then retrieved the placard from the driver's side visor. PO Buonaspina stated that the placard was not forged, but it was expired and New York State issued, and [REDACTED] did not work for the state of New York. PO Buonaspina also observed a large folding knife in plain view in the map compartment on the driver's side door panel. PO Buonaspina retrieved the knife from the door panel. The knife, when folded was approximately five to six inches long, and unfolded it was approximately 10 inches long. The knife was not a gravity knife, so PO Buonaspina did not arrest [REDACTED].

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PO Buonaspinga then searched the reachable areas in the vehicle. PO Buonaspinga stated he searched anywhere where [REDACTED] could have reached from the driver's seat, including under the seat, the center console, and the back seat. PO Buonaspinga stated there was a bag or piece of clothing in the back seat the he looked under. PO Buonaspinga did not remember if he opened the rear door to look in the back seat of if he did it from the front seat. PO Buonaspinga did not open the glove compartment or open any bags that might have been in the vehicle.

PO Buonaspinga approached [REDACTED] and said with regards to the knife, "If this is what you were worried about, it is not even illegal in New York. If you had gone for that, this could have been much worse." PO Buonaspinga asked who the placard belonged to and [REDACTED] stated it belonged to his mother, identified as [REDACTED] and that the knife belonged to his father.

The officers had [REDACTED] dial his mother. PO Buonaspinga spoke to [REDACTED] who was very cooperative and confirmed that she worked for the state and that the placard and vehicle belonged to her. PO Buonaspinga informed [REDACTED] that the knife he had was not illegal and stated her son would be released. PO McLaughlin did not speak to [REDACTED]

[REDACTED] made a few statements to PO Buonaspinga and asked him if this happened because he was black. PO Buonaspinga informed [REDACTED] this happened because he put the officers in a dangerous situation by continually walking up behind him. PO Buonaspinga stated that there was no crime, but [REDACTED] actions of continually approached him from behind escalated the situation. Other than continually approaching him from behind, [REDACTED] demeanor was polite and calm throughout the incident.

PO Buonaspinga gave [REDACTED] the placard and knife and him to return the items to his parents. [REDACTED] provided the officers with his license and the vehicles registration and then was then free to go. [REDACTED] was ultimately summonsed by the traffic agents. PO Buonaspinga stated that he believed PO McLaughlin completed a UF-250 for the incident.

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## Interview Details

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On June 12, 2012, [REDACTED] was interviewed at the Civilian Complaint Review Board. The interview began at 11:32 a.m. and concluded at 12:03 p.m.

[REDACTED] was [REDACTED] years old at the time of this incident. He is a black male with black hair and brown eyes. He is 6'0" tall and weighs 265 pounds. [REDACTED] works as a [REDACTED].

### CCRB Statement

On March 27, 2012 at approximately 5:30 p.m., [REDACTED] met his friend, [REDACTED] outside of a coffee shop in the vicinity of [REDACTED] in Manhattan. When [REDACTED] arrived at the location, [REDACTED] was outside sitting in his parked car. [REDACTED] was parallel parked in a posted no parking zone.

[REDACTED] was driving a black 4-door Mercedes with slight tints on the back windows and NYS plates. [REDACTED] father owns the vehicle.

[REDACTED] and [REDACTED] went into the coffee shop so that [REDACTED] could return [REDACTED] lap top computer to him. They were in the coffee shop for only a few minutes when [REDACTED] stated, "Oh, that's my car" and ran out of the shop.

From the coffee shop, [REDACTED] observed a navy blue NYPD tow truck preparing to tow [REDACTED] car. [REDACTED] and the tow truck driver, TO1, were engaged in conversation. A second navy blue NYPD traffic vehicle pulled up next to [REDACTED] car and a traffic officer, TO2, exited. [REDACTED] was speaking to both officers at this point. [REDACTED] could not hear the conversation from the coffee shop, but stated that the conversation appeared normal. [REDACTED] was not animated, agitated, and did not make any hand gestures or movements.

TO1 was described as a white male, approximately 5'9" to 5'10" tall, slight to medium build, with a European accent (unspecified) and in his 40's. [REDACTED] did not remember if TO1 was dressed in a uniform. TO2 was described as a black male, tall, and in his 30's. TO2 was dressed in uniform, wearing a white hat, and had a ticketing machine on his person.

After speaking with the officers for approximately two minutes, [REDACTED] got into his vehicle and was preparing to pull out of the parking spot. The traffic vehicles were still at the location, but [REDACTED] had enough space to pull out. [REDACTED] did not observe [REDACTED] make any movements in the car or go into the glove compartment. [REDACTED] was seated in his car for approximately 3-4 minutes, waiting to safely pull into traffic. TO1 and TO2 remained at the location. [REDACTED] saw one of the traffic officers say something into his radio. A few seconds later, a marked NYPD van pulled up and blocked [REDACTED] from being able to move his car. The marked van did not have its lights and sirens on.

[REDACTED] exited the coffee shop at this point and was standing on the corner in front of the coffee shop, approximately six feet from [REDACTED] car. PO1 and PO2 exited the van, and PO1 told [REDACTED] to back up, and then instructed him out of the car.

PO1 was described as a white male, approximately 5'8" tall, athletic build, and in his late 30's to early 40's. PO2 was described as a white female, approximately 5'8" tall, average build, with blond hair, and in her early 30's. Both officers were dressed in uniform. No other police officers responded to the location.

[REDACTED] exited his car and asked why he had to get out. PO1 told [REDACTED] to step back and he was compliant. PO1 spoke briefly with one of the traffic officers, but [REDACTED] could not hear the conversation. PO1 then asked [REDACTED] if he had any drugs or weapons on him and [REDACTED] told PO1 no. PO1 asked [REDACTED] several



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## Interview Details

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times, who the car belonged to, what he did for a living, and what he was doing at the location. [REDACTED] answered all of PO1's questions. [REDACTED] appeared annoyed, but was not combative or uncooperative.

PO2 and the traffic officers were not interacting with [REDACTED] at all and were simply observing the situation. At this point, [REDACTED] had not had any interaction with PO1, PO2, or the traffic officers. A small crowd gathered at the location and some people were coming and going. A few people asked [REDACTED] what was going on, but [REDACTED] did not know. The crowd did not shout out anything to the officers or interfere with the officers in any manner.

PO1 kept telling [REDACTED] and [REDACTED] to step back, even though they were not approaching the car or the officers. [REDACTED] asked TO1 what had happened, and he just shrugged at [REDACTED]

PO1 then proceeded to conduct a thorough search of [REDACTED] car. He went into the driver's side door and looked under the visor. PO1 went into the passenger side of the vehicle, looked under the seats, in the door compartments, and in the glove compartment. PO1 looked at a plastic sign with writing on it and then returned it to its location. [REDACTED] did not remember where PO1 found the sign (glove compartment, visor, etc.). PO1 also went into the rear seat and looked through some clothes. [REDACTED] did not recall if there was a bag in the bag seat or not. PO2 did not search the vehicle or break the plain of the vehicle at any point.

PO1 searched the vehicle for approximately five minutes. [REDACTED] and [REDACTED] were standing together on the sidewalk. [REDACTED] kept asking PO1 why he was searching the car. PO1 would not answer and kept saying, "Back up, back up, don't approach me." [REDACTED] was not combative or raising his voice, but simply asking questions.

When PO1 was done searching the car, he approached [REDACTED] and told him he was under arrest. [REDACTED] handed [REDACTED] his cell phone and asked him to call his mother. PO1 handcuffed [REDACTED] without incident and walked him to the police van. PO2 followed. [REDACTED] could not hear any interaction between [REDACTED] and the officers while [REDACTED] was in the police van. [REDACTED] was approximately 10-15 feet from the police van, but with the traffic and street noise, was not able to hear any interaction between [REDACTED] and PO1.

PO2 walked back towards [REDACTED] car. [REDACTED] asked PO2 why [REDACTED] was in handcuffs. PO2 stated that she did not know and asked what [REDACTED] and [REDACTED] had done before they arrived. [REDACTED] explained that they had done nothing.

PO2 returned to the police van and [REDACTED] then called [REDACTED] mother and explained the situation. PO2 then returned to [REDACTED] location and stated that [REDACTED] wanted to speak with his mother. PO2 brought [REDACTED] cell phone over to the police van. PO1 then spoke briefly with [REDACTED] mother. [REDACTED] could not hear the substance of that conversation.

Once PO1 got off the phone with [REDACTED] mother, [REDACTED] was released. [REDACTED] stated that [REDACTED] had been handcuffed and detained in the van for approximately 10 minutes. PO1 laughed and said something to [REDACTED] but did not hear what PO1 said. TO1 and TO2 were present for the entirety of this incident. This entire incident last approximately 30 minutes.

[REDACTED] did not take any video footage of this incident and could not identify any other civilians at the location. [REDACTED] did not know if any employees from the coffee shop witnessed this incident.

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## Interview Details

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On April 4, 2012, [REDACTED] was interviewed at the Civilian Complaint Review Board. The interview began at 2:41PM and concluded at 3:35PM. [REDACTED] is a [REDACTED]-year-old black male with black hair and brown eyes. He is 6'3" tall and weighs 200 pounds.

On March 27, 2012 at approximately 5:30pm in the vicinity of [REDACTED] in Manhattan, [REDACTED] paralleled parked in front of the [REDACTED]. He went into the coffee shop for a total of two minutes to pick up his laptop computer from his friend, [REDACTED]. [REDACTED] was driving his mother's 2004 black 4-door Mercedes E320 with NYS license plate [REDACTED]. The rear window and rear passenger windows are tinted.

Within that time frame, an NYPD tow truck appeared along with a navy-blue NYPD traffic vehicle. The traffic officer was dressed in uniform and described as a tall, well built, black male. [REDACTED] described the driver of the tow truck as a Hispanic male. As it turns out, [REDACTED] was not permitted to park at that location between the hours of 7:00am and 7:00pm.

[REDACTED] explained to the traffic officer that he did not realize he was parked illegally. [REDACTED] described his demeanor as "humble." Seeing how the car was not yet hooked-up to the tow truck, the traffic officer was going to let [REDACTED] go without further incident. [REDACTED] was not issued a summons at this point.

[REDACTED] sat in his car and waited approximately one to two minutes for the traffic officer and the tow truck to leave so that he could safely pull into traffic. While seated in the car, [REDACTED] looked under the visor and discovered his mother's state issued place card. [REDACTED] thought to himself, if only he had used that, the traffic officers would not have tried to tow his car in the first place. [REDACTED] returned the place card to the visor and noticed that the tow truck driver whispered something to the traffic officer. [REDACTED] did not know what was said, but the traffic officer backed his vehicle up to prevent [REDACTED] from leaving and then told [REDACTED] to back his car up into the parking spot. The traffic officer then said something into his radio and flagged down a marked police van that was traveling down [REDACTED].

Two uniformed officers exited the police van and approached [REDACTED] vehicle. PO1, identified by [REDACTED] as PO Buonaspina, was described as a white male, approximately 5'7" tall, built, short Cesar-style hair cut with fades on the sides, and in his mid-30's. PO2 was described as a white female, shorter than PO Buonaspina, thin and fit, with blond hair pulled back in a pony-tail, and in her late 20's to early 30's. [REDACTED] provided shield number 21447 for PO Buonaspina and shield number 4884 for PO2. [REDACTED] speculated that the officers were from the 13<sup>th</sup> Precinct based on the incident location.

PO Buonaspina instructed [REDACTED] to "cut off the engine" and then in a "menacing" voice yelled, "Get out of the car." [REDACTED] exited the vehicle and tried to close his door. PO Buonaspina prevented [REDACTED] from closing the door and asked him, "Is this your car? Where do you work?" [REDACTED] did not respond.

PO Buonaspina proceeded to search the vehicle. He first looked around the center arm rest area in the front seat, including opening up the center console area, and also in the driver's side door panels. PO2 asked for [REDACTED] identification and registration. He provided his NYS driver's license and his father's DEA card, and also went into his vehicle to retrieve his registration. [REDACTED] said to PO Buonaspina, "Officer, you can't search my car like that." PO Buonaspina then walked toward [REDACTED] with both fists clenched at his sides, got in [REDACTED] face, and said, "I can't search your car, I can't search your car." PO Buonaspina then instructed [REDACTED] to "back-up" and continued to search the vehicle. [REDACTED] did not reply and stood near the rear of his vehicle with PO2. PO Buonaspina then searched the rear of the vehicle, including [REDACTED] gym bag which was on the back seat. PO Buonaspina unzipped the gym the bag and rummaged through it completely. [REDACTED] described the bag as an



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## Interview Details

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average sized black Thomas Burberry gym bag. PO Buonaspina searched under the rear seats and everywhere possible in the back seat.

Both the tow truck driver and the traffic officer were still at the location, but were merely observing. [REDACTED] did not have any further interaction with them and did not see PO Buonaspina or PO2 interact with them or ask them any questions. The traffic officer and the tow truck driver remained at the location for the entirety of the incident. [REDACTED] had also come out of the coffee shop when the police van arrived at the location. A crowd had gathered around to watch the incident, but [REDACTED] could not identify anyone else at the location other than [REDACTED]

[REDACTED] then called his mother from his cell phone. He gave her his location and explained that an officer was searching the car and his bag, and told her that he did not know what he had done. PO Buonaspina, became upset and again approached [REDACTED] and said, "What, I can't search your car." [REDACTED] gave his cell phone to [REDACTED] PO Buonaspina, directed [REDACTED] to back up, pushed him in the chest with both hands, turned him around, and placed him in handcuffs. PO Buonaspina said, "You're under arrest" and brought [REDACTED] to the police van. [REDACTED] said, "I'm not a criminal, I don't why you are doing this to me." PO Buonaspina replied, "You're a criminal now" and aggressively shoved him into the back-seat of the police van.

[REDACTED] asked PO Buonaspina three times to loosen his handcuffs, but was ignored each time. [REDACTED] said to PO Buonaspina, "I don't know what you are doing to me, but whatever it is, you better be doing it correctly otherwise you are going to lose your variable supplement and any annuities you might have are going to be forfeited." [REDACTED] described his demeanor as calm. PO Buonaspina grabbed [REDACTED] by the shirt and asked, "Are you threatening me?" [REDACTED] again asked PO Buonaspina to loosen the handcuffs because they were cutting off the circulation to his arm. PO Buonaspina then loosened the handcuffs and returned to [REDACTED] vehicle to conduct an additional search. [REDACTED] did not see exactly where in the vehicle PO Buonaspina searched at this point.

PO2 approached the van and [REDACTED] asked her, "Why is he [PO Buonaspina] doing this to me?" PO2 made a gesture with her head towards his car and said, "I don't know. This is why I am over here and he is over there." PO2 said that she personally would not lock up a cop's son. [REDACTED] asked PO2 that the officers not tow his car and that his father would come pick it up. [REDACTED] also asked PO2 to get his cell phone so he could call his mother. PO2 agreed and retrieved his cell phone from [REDACTED] PO2 dialed [REDACTED] number and held the phone to [REDACTED] ear. [REDACTED] again explained to his mother what had happened and that he was handcuffed in the back of the van.

PO Buonaspina approached and asked [REDACTED] if his mother was on the phone. [REDACTED] confirmed that she was and PO Buonaspina asked to speak with her. [REDACTED] heard PO Buonaspina ask his mother three questions: (1) Are you his mom? (2) Where do you work? (3) Is this your car? [REDACTED] could not hear how his mother responded, but heard PO Buonaspina tell her, "Your son with be released in two minutes."

[REDACTED] was then released and given back his credentials. PO Buonaspina smiled, winked, and laughed as he released [REDACTED]

When [REDACTED] returned to his vehicle, he saw that a parking violation summons was on his windshield. [REDACTED] did not have a copy of the summons with him at the time of his interview and did not know who issued him the summons.

[REDACTED] left the location before the officers and the traffic officers. This entire incident lasted approximately one hour.

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## Interview Details

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At 44:25 into the recording, both the investigative and mediation processes were presented to [REDACTED]  
[REDACTED] opted for the investigative process.